

**Town of Nelson**  
**Selectmen's Meeting 1:00 PM**

July 29, 2020

Executive Board Attending: David Upton, Maury Collins, Gary Robinson, Edie Drinkwater, Admin. Assist.

Special Note: Meeting was held outside in front of the Town Office

Others attending: John and Anne Cucchi, W. Kassotis

At 1:00 PM David Upton opened the July 29, 2020 meeting of the Nelson Select Board.

● John and Anne Cucchi presented an application for a Building Permit for 27 Mill Pond Road. This is a previously existing Non-conforming Lot and Non-conforming structure. An existing cottage was recently removed due to extensive water damage. The new structure will remain on the same footprint but will be two stories. Following a full review of the plans and consideration of Article 10 of the Nelson Zoning Ordinances, David made a motion to approve the Building Permit conditioned on the permit fee being paid and that all work is completed in accordance with the conditions of their approved DES Shoreland Permit.

Gary seconded.

The motion carried 3-0.

● John and Anne Cucchi then presented a second application for a Building Permit for 4 and 6 West Shore Road which is located on the same Non-conforming lot. The proposed new structure would be set back farther from the water per DES requirement but the building would be positioned in such a way that a previous setback point from the road of 50' would now be just 35' thus increasing the non-conformity of the structure. Again Article 10 was considered but due to the increase in non-conformity David made a motion to deny the application and refer the applicants to the Zoning Board to seek a variance due to set back from the road. David further included in the motion that the Board include a recommendation that the variance be granted for this project.

Gary seconded.

The motion carried 3-0.

● David made a motion to approve both the Public and Non-Public minutes for July 8, 2020 as recorded.

Maury seconded.

The motion carried 3-0.

● David then made a motion to approve the minutes for July 24, 2020 as recorded.

Gary seconded.

The motion carried 3-0.

● David made a motion to approve the manifests for July 15, 22, and 29, 2020 as presented.

Maury seconded.

The motion carried 3-0.

● Following a recommendation from Avitar, David made a motion to deny abatement to Eversource for the 2019 tax year.

Maury seconded.

The motion carried 3-0.

● Following a brief discussion, Gary made a motion that the Town not use the PA-28 form, Report of Taxable Property, for 2021.

David seconded.

The motion carried 3-0.

● David made a motion to approve a Purchase request from the Highway Department for several Culverts.

Maury seconded.

Discussion followed and it was not clear from the written request if these culverts were of an urgent need or were to be spare inventory.

David then withdrew his motion.

Maury seconded.

The motion withdrawal carried 3-0.

● David made a motion to request further information from the Road Agent regarding the need for culverts in 2020.

Gary seconded.

The motion carried 3-0.

● David made a motion to approve a Purchase Request from the Highway Department for repairs to the Backhoe for "Pins and Bushings"

Maury seconded.

The motion carried 3-0.

● Discussion began regarding repairs to the parking brake on the Grader. David made a motion to seek an estimate from Troy Tucker.

Maury seconded.

The motion carried 3-0.

● David made a motion to approve a Certification of Cut and Timber Tax Warrant for the A. Guida report of cut.

Maury seconded.

The motion carried 3-0.

● Following a review of submitted plans, David made a motion to approve a Building Permit for C. Shepherd for the construction of a two story barn.

Maury seconded.

The motion carried 3-0,

● The Board then reviewed plans submitted by J. Lazarro for the construction of a shed. David made a motion to approve the Building Permit

Maury seconded.

The motion carried 3-0.

● David made a motion to record in the minutes the following "Minority Report Relative to the Select Board Decision to Hold a Mass Gathering Town Meeting.

Gary seconded.

The motion carried 3-0.

## Minority Report Relative to the Select Board Decision to Hold a Mass Gathering Town Meeting

For the Record:

Since March, the Select Board, in an attempt to assure, as best it can, the health of our constituents, has worked to minimize person to person contact for those involved in conducting town business. In that regard, it asked the Secretary of State to allow it to forego holding a mass gathering town meeting in 2020 and to allow it to use the approved 2019 Operating Budget as a default Operating Budget for 2020. On July 10<sup>th</sup> the Legislature passed, and the Governor signed into law, HB 1129. This law provides for voting to take place by Secret Ballot using drive-up procedures “to ensure appropriate distancing” and for the voters to allow the Governing body to elect to *“deem that the meeting has adopted the previous year’s operating budget article, not including separate warrant articles.”* In other words, the Governor and Secretary of State will not give us the relief that we requested, the voters must do that.

The law requires that two ZOOM meetings be held prior to the creation of the Secret Ballot. These two meetings are required, but in no way essential, for the creation of the ballot. ZOOM Meeting #1 would be a repeat of Town Caucus. The agenda for the meeting would have been the 2020 Warrant. The public has already had an opportunity to participate in that discussion. The work product from ZOOM #1 would have been the 2020 Warrant. This Warrant has been available for review since the end of February.

ZOOM Meeting #2 must be held prior to the creation of the Secret Ballot. The purpose of this meeting is to act to create that ballot. This ballot would have been mailed to all voters in sufficient time for their review prior to the day of voting. If people like the Secret Ballot, they vote YES that they agree with the process and then proceed to vote to approve or reject each Article on the Secret Ballot. If people don’t like the process, they would vote NO and not proceed with voting on the Warrant Articles.

If a simple majority of the voters vote NO, then the Select Board would have been in a position to “adopt the previous year’s Operating Budget”. This is the position that the Board has stated over and over that it wished to be in.

The action taken by the Select Board, on July 24<sup>th</sup>, to approve a mass gathering Town Meeting in 2020, when another option was available to it, violated all the positions it has previously taken. It chased a Red Herring, worrying more about public access to ZOOM, than it did about keeping our constituents safe. By doing so the Board made itself and the Town liable for any adverse health effects created by causing those who wish to participate in the meeting to gather in a large group. Granted, steps will be taken to minimize any adverse health effects that may result. However, taking any risk was unnecessary and could have been and should have been avoided.

David Upton

Chair, Nelson Select Board

● With nothing further, David made a motion to adjourn.  
Maury seconded.  
The motion carried 3-0.

2:52 PM Meeting Adjourned.

For July 29, 2020

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David Upton, Chair

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Maury Collins, Selectman

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Gary Robinson, Selectman